

FILED
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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA AUG 21 2013

RODNELL BOLT,

PER M-65
DEPUTY CLERK

Petitioner

CIVIL ACTION NO. 3:12-CV-1599

v.

FRANK STRADA,

(Judge Kosik)

Respondents.

MEMORANDUM AND ORDER

AND NOW, this 21st day of AUGUST, 2013, IT APPEARING TO THE COURT THAT:

(1) Petitioner, Rodnell Bolt, a prisoner confined at the Allenwood Low Security Correctional Institution at White Deer, Pennsylvania, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. §2241 on August 15, 2012;

(2) In his petition, petitioner challenges his November 29, 2011, parole revocation hearing and the calculation of his parole violation release date, imposed by the United States District Court for the Western District of Pennsylvania;

(3) The action was assigned to Magistrate Judge Martin C. Carlson for Report and Recommendation;

(4) On June 17, 2013, the Magistrate Judge issued a Report and Recommendation (Doc. 7) wherein he recommended that the petition for writ of habeas corpus be denied;

(5) Specifically, the Magistrate Judge found that the petitioner failed to exhaust his administrative remedies within the federal prison system. Additionally, the Magistrate Judge found that the petitioner failed to show that the delay in holding the parole revocation hearing 103 days after the execution of the parole revocation warrant, and 13 days after the statutory 90 day requirement, was unreasonable and prejudicial;

(6) Petitioner has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(7) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. §636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987);

(8) We have considered the Magistrate Judge's Report and we concur with his recommendation. After reviewing the record, we agree with the Magistrate Judge that the petitioner failed to exhaust his administrative remedies within the federal prison system or show that the parole revocation hearing, held 13 days after the statutory 90 day requirement, was unreasonable and prejudicial. We agree with the Magistrate Judge that the petition should be denied.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Martin Carlson dated June 17, 2013 (Document 7) is **ADOPTED**;

(2) The petitioner's petition for writ of habeas corpus is **DENIED**;

(3) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Memorandum and Order to the Magistrate Judge; and

(4) Based on the court's conclusions herein, there is no basis for the issuance of a certificate of appealability.



Edwin M. Kosik
United States District Judge